

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

By this Amendment, claims 1, 5, 9, 11, 13, and 19 are amended, and claim 10 is canceled without prejudice or disclaimer. Applicant respectfully submit, however, that the claims are not narrowed by such an amendment since such amendment only makes explicit that which was implicitly recited in the original claims. Accordingly, claims 1-9 and 11-19 are pending in this application. No new matter is presented in this Amendment.

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (U.S. 7,013,285).

In response, the claims are amended, and as presented below, are believed to be patentable over Rebane for the failure of the applied art to disclose, teach or suggest all of Applicant's recited claim features.

First, the disclosures of Rebane, taken as a whole, does not suggest Applicant's claimed method for rating customer demand. Applicant respectfully submits that the customer demand rating method is distinguished from Rebane which appears to only rate merchants.

Furthermore, regarding claim 1, the Examiner alleges in paragraph 4 of the outstanding Office Action (OA) that Rebane, at column 16, lines 57-61, and Figs. 1a-2b, discloses dollars paid for a specific delivery. Applicant respectfully disagrees.

At the cited text, Rebane only discloses wherein "[p]rocessing modules 22 may process data communicated to it to generate desired forms of information. The processing may include computation of ratings; indices; consumer demographic profiles; merchant or merchant category session volumes; dollar volumes; lists of consumers for target marketing; etc." Nowhere does Rebane disclose, teach, or suggest "collecting data representing supplier attributes, customers' desires, supplier's

ability to deliver the attributes and dollars paid for that delivery.” Indeed the “dollars paid” information collected by Applicant is specific to good/services already purchased. This information is distinguished from Rebane that appears to only disclose prices offered by merchants (see Fig. 1a) or a price satisfaction rating (see Figs. 6a and 6b).

Furthermore, at the bottom of page 6 of the OA, the Examiner alleges that Figs. 6a and 6b of Rebane represent customer clusters. Applicant respectfully disagrees and submits that Fig. 6a and 6b of Rebane appear to only disclose sets of data differentiated by a single question: price satisfaction. Unlike Rebane, claim 1 recites a much more sophisticated method of “clustering groups of customers into demand segments using the indexed scores of demand drivers and dollars paid. Nowhere do the groupings suggested by Rebane appear to be based upon the indexed scores of demand drivers and dollars paid, as recited in claim 1.

Still further, although Rebane may suggest reducing a set of questions to a reduced set of questions, these reduced set of questions are then presented to the customers. The set of attributes are not reduced after collecting the answers, as disclosed in amended claim 1 that specifically indicates that the acts performed are performed in sequence.

Based upon the above presented arguments, Applicant respectfully submits that that independent claim 1 is patentable over the applied art because Rebane, taken as a whole, does not suggest Applicant's claimed method for rating customer demand, and because Rebane fails to disclose, teach or suggest each and every feature recited in independent claim 1.

Independent claims 5, 9, and 19 are similar to claim 1 and are likewise patentable over Rebane for the reasons presented above.

Claims 2-4, 6-8, and 11-18 are likewise patentable at least based on their dependency on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over Rebane is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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KMB/ERM/ser